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July 26, 2018

Via ECF

Hon. Ona T. Wang, United States Magistrate Judge
U.S. District Court, Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Courtroom 20D
New York, New York 10007

Re: Deodat v. Mercer (US) Inc. and Marsh & McLennan Companies (No. 17 Civ. 07288)

Dear Judge Wang:

This firm represents Defendants Mercer (US) Inc. and Marsh & McLennan Companies, Inc., (together, "Defendants"). We respectfully submit this letter in opposition to Plaintiff Anita Deodat's "Motion for an Expedited Order of Injunctive Relief and Other Equitable Relief" (Docket No. 77), which essentially asks the Court to summarily grant Ms. Deodat complete relief on her claims prior to the completion of fact discovery. In the interests of efficiency, and to avoid unnecessarily burdening the Court with formal opposition papers addressing each of the allegations Ms. Deodat raises in her motion, Defendants provide this letter to succinctly explain that the motion fails because it is substantively and procedurally defective.¹

Ms. Deodat's motion is substantively defective because it lacks any factual or legal bases. Indeed, her motion is devoid of admissible evidence demonstrating *beyond any issue of material fact* that Defendants ever took any adverse employment action against her based on her alleged diabetes; nor does it cite to any legal authority that conclusively establishes her entitlement to relief as a matter of law at this juncture.

Moreover, Ms. Deodat's motion is procedurally defective because it is premature for the Court to make summary determinations on her claims, as fact discovery has not been completed. The parties are still in the process of exchanging written discovery responses and documents, no depositions have been taken yet, and the current fact discovery deadline is not until September 28, 2018. Notably, this is not the first time Ms. Deodat has improperly argued the

¹ In the event that the Court would like formal briefing regarding Ms. Deodat's merits arguments even though fact discovery is still ongoing, Defendants will provide a formal opposition brief at the Court's request. In that case, however, Defendants would ask that the parties be permitted to stipulate to a briefing schedule to provide Defendants sufficient additional time to do so.

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merits of her claims or sought relief prior to the completion of fact discovery; she did so in a January 10, 2018 letter to Judge Furman, which is attached as "Exhibit 9" to her motion. In a January 17, 2018 Order concerning that letter (Docket No. 39), Judge Furman specifically held as follows:

There may come a time where the Court needs to resolve the factual disagreements between the parties, but now is not that time. Instead, the current phase of the case is devoted to discovery - to allow each side to obtain information and evidence from the other concerning the claims and defenses in this case. Accordingly, the Court declines to take any action on the basis of the parties' letters
...²

This same rationale applies here. The Court should deny Ms. Deodat's motion because the parties are still engaged in fact discovery and it is therefore premature for Ms. Deodat to ask the Court to opine on the merits of her claims and grant summary relief in her favor, her entitlement to which is not established by her motion papers and is expressly denied by Defendants.

Thank you for Your Honor's courtesies.

Respectfully,



Jason Kaufman

cc: Anita Deodat (Via ECF, E-Mail, and Federal Express)

² Judge Furman's Order went on to issue directives pertaining only to discovery, while declining to make any decisions on the merits of the case. (*See* Jan. 17, 2018 Order (Docket No. 39)).

CERTIFICATE OF SERVICE

Jason Kaufman, an attorney admitted to practice before this Court, hereby certifies under penalty of perjury that on July 26, 2018, he caused the foregoing *letter* to be served via ECF, E-Mail, and Federal Express upon the following:

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Pro Se Plaintiff

Dated: New York, New York
July 26, 2018



JASON KAUFMAN